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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,037	11/27/2001	Thomas L. De Fazio	R-2 US	2026

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iROBOT CORPORATION
63 SOUTH AVENUE
BURLINGTON, MA 01803

EXAMINER

BOEHLER, ANNE MARIE M

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,037

Applicant(s)

DE FAZIO, THOMAS L.

Examiner

Anne Marie M. Boehler

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,11-19,21-26,39-43 and 45-52 is/are rejected.
- 7) ☒ Claim(s) 2,9,10,19,20,37,38 and 44 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-7, 11-14, 16, 17, 21-24, and 27-30, 32, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by James.

James shows a motorized vehicle, for particularly rough terrain, with a chassis 12, a rotor 20 with six protuberances equidistant around the rotor, a foot 23 on each protuberance, and a drive means (motor 24). Each foot has a means 98,102, for adhering to the contact surface. Rollers 72 are spaced from the rotors.

3. Claims 1, 3-7, 11-14, 16, 17, 21-24, 27-31, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Faszczuk.

Faszczuk shows a motorized vehicle, for particularly rough terrain, with a chassis, a rotor 17 with six protuberances 19 equidistant around the rotor, a foot 21 on each protuberance, and a drive means. Each foot has a means 31 for adhering to a surface. Skids 12 are also taught.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 18, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over James in view of Akeel.

James lacks a teaching to use an adhesive on the feet.

Akeel teaches using various means attached to the feet of a vehicle for adhering to a contact surface. In column 5, lines 45-47, Akeel teaches providing adhesive (in place of the spikes shown in Figure 1) to provide traction between the feet and the contact surface. Regarding claim 36, it is old and well known and would have been obvious to provide two drive means (motors), instead of one, for providing differential drive which facilitates traction in turns.

6. Claims 15, 25, 34, 35, 39-43, 45-49, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faszczuk.

Faszczuk lacks a pair of drive means (two motors), one for each drive rotor.

However, it is old and well known and would have been obvious to provide two drive motors, instead of one, for providing differential drive which facilitates traction in turns. It is also old and well known and would have been obvious to provide means for remote control for the Faszczuk vehicle, in order to send the vehicle unmanned into dangerous terrain.

7. Claims 15, 25, 34, 35, 39-43, 45-48, 50, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over James.

James lacks a pair of drive means (motors), one for each rotor. However, it is old and well known and would have been obvious to provide two drive motors, instead of one, for providing differential drive that facilitates traction in turns.

It is also old and well known and would have been obvious to provide means for remote control for the Fascezuk vehicle, in order to send the vehicle unmanned into dangerous terrain.

8. Claims 2, 9, 10, 19, 20, 26, 37, 38, and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hopkins shows a vehicle with means for providing suction for adhering to a contact surface.

FR 1,110,774, JA 1-16-785, Quinn, Mezrin, and Sesky each show a vehicle driven by a rotor with protrusions for providing traction.

Ryan, Kanlmorgan, JA 59-18072, and Campbell each show a robot with rotors having protrusions.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M Boehler whose telephone number is 703-308-0422. The examiner can normally be reached on 7:30-5:00, Monday-Thursday, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Handwritten signature of Anne Marie M. Boehler in cursive, followed by the date 9/22/05.

Anne Marie M. Boehler
Primary Examiner
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